

MAY 2008

Campaign	
Latasha Kindrick VP Operations, PAC Outsourcing LLC Dated: May 14, 2008 File Number A-08-059	<p>Under Regulation 18534, a federal PAC that is active in California state elections and is registered with, and reporting its California activity to, the California Secretary of State, may continue to use its federal separate segregated bank account to make contributions to California candidates. Because the federal PAC does not receive any contributions in excess of \$5,000, it is not required to set up a separate bank account for contributions to California state candidates under Regulation 18534. Pursuant to Regulation 18534(f), a federal corporate or labor PAC contributing to a California candidate for elective state office must write "all purpose" on the memo line of the check to inform the recipient of the nature of the funds.</p>
David Bauer Johnson Clark Associates Dated: May 30, 2008 File Number A-08-077	<p>The letter discusses Section 85319, which provides that a candidate for state elective office may return all or part of any contribution (except the candidate's contribution of his or her personal funds to the campaign) to the donor who made the contribution at any time. The letter interprets that provision to apply to a committee established pursuant to Section 85315 by an elected state officer to oppose a recall. Consistent with prior advice, however, funds may not be returned to a candidate committee that is subject to the post-election fundraising restrictions of Section 85316. (The advice given in the letter assumes compliance with the requirements of Election Code Section 18680 which is outside the Commission's jurisdiction.)</p>
Conflicts of Interest	
Brian Oneto Amador County Board of Supervisors Dated: May 6, 2008 File Number I-08-044a	<p>County supervisor with a real property interest in a home/ranch consisting of 222 acres and located approximately one-half mile from the boundaries of a proposed casino project may not make, participate in making, or influence governmental decisions related to the project as specific circumstances exist making it reasonably foreseeable that a project the magnitude of a casino will have a material effect on the property.</p>
Karen M. Steentofte Sacramento Office of Education Dated: May 2, 2008 File Number I-08-047	<p>Public officials have a financial interest in any decision that will have a material financial effect on the official's personal finances. However, there is an exception when the decision will affect the salary and benefits of all the employees who are in the same job classification or position in the same manner. Under the facts presented, the one-time severance package proposed for specific school district employees and consultants does not meet that standard. On this basis, we conclude that the exception is not applicable.</p>

Heather Baker, Councilmember City of Willows Dated: May 30, 2008 File Number I-08-063	<p>1. The board members of an unincorporated association acting as an advisory group to the city council are not “public officials” subject to the conflict-of-interest provisions of the Act because the association does not make governmental decisions nor is there a history of its recommendations being routinely accepted without amendment or modification so as to convert it from a solely advisory function to one of making or participating in governmental decisions.</p> <p>2. A city councilmember who attends the association’s meetings and owns and operates a business within the district which is the subject of the advisory group’s advice may not make, participate in making or influence a city council decision to award her business a grant because it is reasonably foreseeable that the decision will have a material financial effect on her business.</p>
Cindi Borges Member, Board of Directors Ninth District Agricultural Association Dated: May 12, 2008 File Number I-08-064	<p>An agency board member is advised she will have a disqualifying conflict of interest in decisions regarding transferring her agency’s current bank account to the bank by which she is employed. The letter also advises the board member to contact counsel regarding provisions of law outside the Political Reform Act.</p>
Arthur DeBolt Member, Los Alamitos City Planning Commission Dated: May 6, 2008 File Number A-08-065	<p>A member of the Los Alamitos Planning Commission was advised that he does not have a conflict of interest concerning a site plan proposal by a medical center involving a parcel more than 500 feet from his real property, despite the fact that his property is within 300 feet of a connecting parcel owned by the medical center and affected by the decision. Since the project is limited to a parcel that is more than 500 feet from his real property, it is rebuttally presumed that his interests will not be materially affected by the decision.</p>
Richard Earnest Del Mar City Councilmember Dated: May 29, 2008 File Number A-08-066	<p>City Attorney requested advice regarding Councilmember who has property within 500 feet of a parcel of land owned by an Agricultural District and on which is planned a redevelopment project. City council is a “responsible agency” under CEQA and will comment on the draft EIR. Staff advised that the councilmember does have a conflict regarding the EIR, but for future decisions, the analysis should be applied to the particular parcel, not the plan as a whole.</p>
Richard Booth City of Orinda Planning Commission Dated: May20, 2008 File Number I-08-072	<p>Nothing in the Act bars a planning commissioner, who is also a licensed real estate broker, from accepting a referral fee offered to brokers by a developer for referrals that result in the purchase of a building lot from the developer. The developer, however, would become a source of income to the planning commissioner upon paying a referral fee of \$500 or more, and the planning commissioner would then have a</p>

	conflict of interest disqualifying him from taking any part in a planning commission decision that would have a reasonably foreseeable, material financial effect on that source of income.
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Conflict of Interest Code	
Michael Calabrese City of San Diego, La Jolla Community Parking District Advisory Board Dated: May 30, 2008 File Number A-08-067	<p>A Community Parking District Advisory Board is not purely advisory and makes governmental decisions when it has the authority to disburse public funds even though the disbursements must be consistent with a budget approved by the city council.</p> <p>An advisory body that does not make governmental decisions and merely makes recommendations to the city council is converted from a solely advisory body to one making or participating in making governmental decisions if it makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by a public official or a governmental agency. (Regulation 18701(a)(1)(iii).)</p>
Revolving Door	
Edwin F. Lowry Department of Pesticide Regulation Dated: May 2, 2008 File Number A-08-053	<p>A former state employee is advised that if he is hired as an ALJ on an ad hoc basis by the Department of Pesticide Regulation his actions relating to those activities are subject to the Act's post-governmental employment provisions. The letter further advises that the post-governmental provisions apply once the official leaves his or her position in state service even if the official accepts a position with another governmental agency, thus superseding prior advice beginning with the Churchwell Advice Letter, A-04-063, and extending the recent advice provided in the <i>Coler</i> Advice Letter to the permanent ban.</p> <p>Notes/Superseded Letters:</p> <p>Supersedes: <i>Churchwell</i> Advice Letter; A-04-063</p> <p>Clarifies: <i>Jempsa</i> Advice Letter; I-06-229</p>

May 2008
Juanita G. Lira